



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

September 30, 2004

Ms. Gloria Coffin
Errol Energy and Appliances
Route 16
Errol, New Hampshire 03579

CERTIFIED MAIL (7099 3400 0018 1290 3183)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION

RE: Non-Conforming Open Burning

Dear Ms. Coffin

On March 19, 2004, personnel from the New Hampshire Department of Environmental Services, Special Investigations Section ("DES") observed thick black smoke emanating from a 275-gallon home-heating oil tank located in the driveway of the Errol Energy and Appliance garage ("Errol Energy"). DES personnel stopped and inquired about the smoke and the material burning inside the oil tank.

On March 19, 2004, DES personnel spoke with Errol Energy employee Pete Charon. Mr. Charon stated that he was burning residual oil from the bottom of the oil tank in an effort to clean the tank prior to transporting the tank to a local solid waste facility. Mr. Charon further stated that residual oil in the tanks was routinely burned-off in preparation for disposal of the used tanks. DES personnel observed heavy black smoke from the burning oil for approximately 15 minutes. DES personnel recommended that in the future, the tanks be cut in half, the residual oil collected rather than burned, and the tanks cleaned out with rags or an approved absorbent prior to the disposal of the tank. As a result of the inspection and information gathered, DES has determined that violations occurred.

Regulation of open burning, where the products of combustion are emitted directly into the atmosphere without passing through a stack, is necessary to protect public health. The open burning of non-conforming material, including residual waste oil, can result in the release of emissions of particulate matter and toxic air pollutants directly into the atmosphere.

The purpose of this letter is to notify you of the violations discovered, as well as the requirements surrounding open burning, so that you can prevent future violations. The specific violation is as follows:

- Env-A 1001.05 outlines the type of burning that is permissible without authorization from DES. Specifically, Env-A 1001.05 (d) allows periodic on-site burning of brush by the landowner and allows the burning of untreated wood from the construction or demolition of a building. The burning of materials other than brush and untreated wood is a violation of Env-A 1000.

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Telephone: (603) 271-1370 • Fax: (603) 271-1381 • TDD Access: Relay NH 1-800-735-2964

Since the burning of non-conforming materials has ceased, DES believes that no further action is required at this time in response to the listed violations. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Joseph Ritz at (603) 271-1391, Air Resources Division, Compliance Bureau. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.state.nh.us/ard/ardrules.htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,

A handwritten signature in black ink is written over the word "COPY", which is printed in large, bold, black capital letters. The signature appears to be "P. Monroe".

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enclosure: Env-A 1001, *Open Burning*

cc: R. Kurowski, EPA Region 1
G. Hamel, Legal Unit Administrator
M. Galuszka, NHDES-SIS
L. Enman, Chairman, Errol Board of Selectmen
AFS # 330079777